

REMARKS

The Examiner is thanked for the thorough examination of the present application and the withdrawal of the previous rejections. The Office Action, however, continued to reject all claims 1-5. In response, claim 1 is amended, and new claims 6-7 are added. Support for new claims can be found on page 4, line 2 to page 5, line 21, Fig. 2A and Fig. 2B of this application. Accordingly, the amendments add no new matter to this application. For at least the reasons set forth herein, Applicant respectfully requests reconsideration and withdrawal of the rejections.

Claim Rejection - 35 U.S.C §102

The Office Action rejected claims 1-4 under 35 U.S.C §102(b) as allegedly being anticipated by Sato et al. (U.S. Patent 5,060,548) (Hereinafter the cited reference 1). Applicant respectfully traverses the rejection.

With respect to the amended claim 1 of the present application, that claim recites:

1. An apparatus for splitting a test piece, comprising:
a base with a centerline;
two pillars disposed on the base separated by a fixed first interval to support the test piece **at a first side thereof**, wherein a connection line between the pillars is perpendicular to and divided equally by the centerline; and
a sliding piece disposed on the base **at a second side of the test piece, which is opposite to the first side thereof**, wherein the sliding piece is slidable along the centerline and has two fingers parallel to the centerline separated by a second interval, which is smaller than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline.

(*Emphasis added*). Claim 1 patently defines over the cited art for at least the reasons set forth herein.

In the rejection of the claim 1, the Office Action alleges that cited Sato reference teaches or suggests all of characteristics in the claim 1. Applicant respectfully disagrees. The Office Action equates the fence 3 of the cited reference 1 to be the two pillars 23 of claim 1, guard 37 of the cited reference 1 to be the sliding piece 22 of claim 1, and the wood 2 of the cited reference 1 to be the test piece of claim 1. Clearly, however, the Sato reference fails to disclose that **two pillars 23 are disposed at the first side of the test piece, and the sliding piece 22 is disposed at the second side of the test piece, which is opposite to the first side thereof** of the amended claim 1.

Referring to Fig. 6 and Fig. 19 of Sato, the guard 37 and the fence 3 are located at the same side of the wood 2. In the amended claim 1, however, the test piece is disposed between the sliding piece 22 and two pillars 23 (referring to Fig. 2A). Therefore, the amended claim 1 is distinguishable over Sato.

According to the above description, the features of the amended claim 1 of this application are different from those of the cited Sato reference. Therefore, the amended claim 1 of this application is not anticipated by the cited reference 1. For at least these reasons, amended claim 1 is in condition for allowance. Since claims 2-3 are dependent claims that incorporate the limitations of the claim 1, Applicant respectfully submits that these claims also are in condition for allowance.

Furthermore, the Office Action equates the blade 17 of the cited reference 1 to be the protrusion 221 of claim 4. Applicant respectfully disagrees. In claim 4, the sliding piece 22 has the protrusion 221. That is to say, the protrusion 221 is a part of the sliding piece 22. In Sato, however, the blade 17 is connected to the gear casing 13, rather than the guard 37. The blade 17 and the guard 37 are independent elements

(referring to column 2, line 67 to column 3, line 5, Fig. 4, and Fig. 9). Clearly, the assertion of the Office Action that the guard 37 has the bland 17 is misplaced. For at least this additional reason, the rejection of claim 4 should be withdrawn.

Claim Rejection - 35 U.S.C §103

The Office Action also rejected claim 1 under 35 U.S.C §103(a) as allegedly being unpatentable over Raizk et al. (U.S. Patent 3,157,235) (hereinafter Raizk) in view of Borisov et al. (SU 197708) (hereinafter Borisov). Applicant respectfully traverses the rejection.

With respect to the amended claim 1 of the present application, that claim recites:

1. An apparatus for splitting a test piece, comprising:

a base with a centerline;

two pillars disposed on the base separated by a fixed first interval to support the test piece at a first side thereof, wherein a connection line between the pillars is perpendicular to and divided equally by the centerline; and

a sliding piece disposed on the base at a second side of the test piece, which is opposite to the first side thereof slidable along the centerline, wherein the sliding piece is slidable along the centerline and has two fingers parallel to the centerline separated by a second interval, which is smaller than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline.

(Emphasis added). Claim 1 patently defines over the combination of Raizk and Borisov for at least the reason that the combination fails to disclose the features emphasized above.

As recited in the amended claim 1, the base 21 of the amended claim 1 is defined to have a centerline 211, but the base 38 of Raizk has **no** such centerline. Therefore, the interpretation of the Office Action is strained, wherein the base 38 of

Raizk is taken to be the base 21 of the amended claim 1, and the dropping bar 21 of Raizk is taken to be the centerline 211 of the amended claim 1.

As recited in the amended claim 1, a sliding piece 22 is disposed **on** the base 21.

In cited reference 2, however, breaking tip 23 (sliding piece) is set **above and toward** the base 38 (Referring to Fig. 3), rather than **on** the base 38. Therefore, this interpretation of the examiner is really unreasonable.

Furthermore, the amended claim 1 recites two pillars 23 separated by the fixed first interval d1 and two fingers 222 separated by the second interval d2, wherein **the second interval d2 is smaller than the first interval d1**. In Borisov, however, **the second interval d2 of the elements 4 is greater than the first interval d1 of the element 2**.

Therefore, even if Raizk and Borisov could be properly combined, the resulting combination fails to disclose the combination of features of claim 1. For at last the foregoing reasons, the rejection of claim 1 should be withdrawn. Since claims 2-4 are dependent claims that incorporate the limitations of claim 1, these claims also are in condition for allowance. Additionally, these claims recite other limitations that serve as an independent basis for patentability.

The Office Action further rejected claim 5 under 35 U.S.C §103(a) as allegedly being unpatentable over Raizk in view of Borisov and in further view Applicant Admitted Prior Art (AAPA). However, since claim 5 is dependent claim that incorporate the limitations of claim 1, Applicant respectfully asserts that this claim also is in condition for allowance. Additionally, this claim recites other limitations that can sever as an independent basis for patentability.

New Claims 6 and 7

Applicant adds new claims 6 and 7. Claim 6 depends from claim 1 and therefore defines over the cited art for the same reasons.

New claim 7 defines:

7. An apparatus for splitting a test piece, comprising:
a base having a groove formed along a centerline defined on the base;

two pillars disposed on the base and separated by a fixed first interval to support the test piece, wherein a connection line between the pillars is perpendicular to and divided equally by the centerline; and
a sliding piece, disposed on the base, ***having a protrusion slidable in the groove, wherein the sliding piece has two fingers parallel to the centerline and separated by a second interval, which is smaller than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline.***

(Emphasis added). Claim 7 patently defines over the cited art for at least the reason that the cited art fails to disclose the features emphasized above.

CONCLUSION

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited.

If the Examiner believes a teleconference will expedite the examination of this application, the Examiner is invited to contact the undersigned attorney at 770-933-9500.

No fee is believed to be due in connection with this submission. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to deposit account 20-0778.

Respectfully submitted,

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